

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-mj-02207-AOR

UNITED STATES OF AMERICA

v.

THOMAS ANTONIO STUART,

Defendant.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? ☐ Yes ☒ No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? ☐ Yes ☒ No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

THOMAS ANTONIO STUART,

Defendant(s)

Case No. 23-mj-02207-AOR

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 31, 2023 in the county of Miami-Dade in the
Southern District of Florida and elsewhere, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section
1324(a)(1)(A)(iv) and (v)(II)

Encouraging or Inducing an Alien to Enter the United States

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



Complainant's signature

Johnny Gonzalez, Deportation Officer, ERO

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: 2/3/23



Judge's signature

City and state: Miami, Florida

Hon. Alicia M. Otazo-Reyes, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Johnny Gonzalez, being duly sworn, do depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (“ERO”), in Miami, Florida, and have been so employed since September 2015. I am currently assigned to the Human Smuggling Group, where I am responsible for investigating matters within the jurisdiction of the United States Department of Homeland Security, including violations of the immigration and customs laws of the United States. Prior to my employment with ERO, I was employed as a U.S. Border Patrol (USBP) Agent from 2010 through 2015. I have completed the U.S. Border Patrol Academy at the Federal Law Enforcement Training Center regarding the proper investigative techniques, including the application and execution of search, arrest, and seizure warrants, for violations of federal laws.

2. I submit this Affidavit in support of a criminal complaint against Thomas Antonio Stuart (“STUART”) because there is probable cause to believe that STUART did encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be a violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (v)(II).

3. The statements contained in this Affidavit are based upon my own personal knowledge gathered during my participation in this investigation, my previous training and experience, other State and Federal law enforcement officers and agents, interviews, and written reports. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me or other law enforcement officers

or agents involved in this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

PROBABLE CAUSE

4. On January 31, 2023, U.S. Customs and Border Protection (CBP) Air and Marine Operations (AMO) observed a 21' single engine, center console vessel ("SUSPECT VESSEL") departing Bimini, Bahamas, with approximately twelve (12) persons on board, to include the operator who was later identified as STUART. CBO AMO continued to observe the SUSPECT VESSEL driving a westbound track towards Miami, Florida.

5. A CBP AMO surface asset attempted to stop the SUSPECT VESSEL after it crossed into U.S. waters, however the SUSPECT VESSEL failed to comply, which resulted in the surface asset firing warning shots. The SUSPECT VESSEL stopped approximately five (5) nautical miles east of Haulover Inlet in U.S. waters.

6. When law enforcement boarded the SUSPECT VESSEL, CBP AMO identified the boat operator, as STUART, a Bahamian citizen. There were ten (10) additional adult males and one (1) adult female on board, all identified as citizens of the Dominican Republic. All twelve (12) aliens were transferred to the U.S. COAST GUARD CUTTER BERNARD C. WEBBER where biometric checks were conducted. The checks revealed that none of the twelve (12) aliens had permission to enter the United States, to include STUART.

7. On February 2, 2023, the U.S. Coast Guard transferred STUART, along with four (4) other aliens ashore at Coast Guard Station Miami Beach. All five (5) individuals were then transported to Border Patrol Station Dania Beach for immigration processing.

8. During a post-*Miranda* interview with federal law enforcement officers, STUART stated he was going to be paid approximately \$20,000 for the smuggling venture upon his return

to Bimini, Bahamas. STUART stated he knew the eleven (11) other individuals on the vessel he was operating were citizens of the Dominican Republic and did not ask if they had any documentation to enter the United States.

CONCLUSION

9. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that STUART did encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be a violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (v)(II).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



JOHNNY GONZALEZ, DEPORTATION OFFICER
ENFORCEMENT AND REMOVAL OPERATIONS

Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by Face Time this 3rd day of February 2023.



HONORABLE ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE